

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHARLES A. EDWARDS,

Plaintiff,

vs.

D. SMITH, et al.,

Defendants.

1:20-cv-01822-GSA-PC

**ORDER INFORMING PLAINTIFF
THAT HE IS NOT PERMITTED TO ADD
INFORMATION PIECEMEAL TO THE
FIRST AMENDED COMPLAINT
(ECF No. 12.)**

**ORDER STRIKING FIRST AMENDED
COMPLAINT LODGED ON APRIL 13,
2022
(ECF No. 11.)**

**ORDER GRANTING PLAINTIFF
LEAVE TO FILE SECOND AMENDED
COMPLAINT WITHIN THIRTY DAYS**

I. BACKGROUND

Charles A. Edwards ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983. On December 28, 2020, Plaintiff filed the Complaint commencing this case. (ECF No. 1.) On March 25, 2022, the Court dismissed the Complaint for failure to state a claim, with leave to amend. (ECF No. 9.) On April 11, 2022, Plaintiff filed the First Amended Complaint. (ECF No. 10.) On April 13, 2022, Plaintiff filed a one-page document titled "first amended complaint," which appears on the court's record as a "Lodged First Amended Prisoner Civil Rights Complaint." (ECF No. 11.)

1 **II. LOCAL RULE 220 AND FEDERAL RULE OF CIVIL PROCEDURE 15(a) -**
2 **AMENDING THE COMPLAINT**

3 Local Rule 220 provides, in part:

4 Unless prior approval to the contrary is obtained from the Court, every
5 pleading to which an amendment or supplement is permitted as a matter of right
6 or has been allowed by court order shall be retyped and filed so that it is complete
7 in itself without reference to the prior or superseded pleading. No pleading shall
8 be deemed amended or supplemented until this Rule has been complied with. All
9 changed pleadings shall contain copies of all exhibits referred to in the changed
10 pleading.

11 It appears that Plaintiff seeks to add information to the First Amended Complaint after
12 the First Amended Complaint was filed. Plaintiff has submitted a page of allegations apart from
13 the First Amended Complaint, filed two days after the First Amended Complaint was filed.
14 Under Local Rule 220, Plaintiff may not add additional allegations to the First Amended
15 Complaint in this manner. The Court shall therefore strike this one-page document which
16 appears on the Court's record as "Lodged First Amended Prisoner Civil Rights Complaint," (ECF
17 No. 11) as being improperly filed.

18 To add information or make a correction to the First Amended Complaint, Plaintiff must
19 file a new Second Amended Complaint which is complete in itself. The Court shall grant Plaintiff
20 leave to file a Second Amended Complaint, if he wishes, within thirty days. If Plaintiff does not
21 file a Second Amended Complaint within the thirty-day time period, the Court shall proceed in
22 this case with Plaintiff's First Amended Complaint filed on April 11, 2022.

23 **III. CONCLUSION**

24 Based on the foregoing, it is **HEREBY ORDERED** that:

- 25 1. Plaintiff is informed that he is not permitted to add information piecemeal to the
26 First Amended Complaint;
- 27 2. Plaintiff's one-page document, on the Court's record as "Lodged First Amended
28 Prisoner Civil Rights Complaint," (ECF No. 11), is stricken from the record¹ as
improperly filed;

¹ "A document which is 'stricken' will not be considered by the Court for any purpose."
(First Informational Order, ECF No. 3 at 2:7-8.)

3. Within 30 days of the date of service of this order, Plaintiff may file a Second Amended Complaint, if he wishes;
4. If Plaintiff does not file a Second Amended Complaint within the thirty-day time period, the Court shall proceed in this case with Plaintiff's First Amended Complaint filed on April 11, 2022; and
5. The Clerk is directed to send Plaintiff a civil complaint form.

IT IS SO ORDERED.

Dated: **June 7, 2022**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE